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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant: | Stern et al. |) | Examiner: | Ganey, Steven J |
| Serial No.: | 10/691,897 |) | Art Unit: | 3752 |
| Filed: | 10/22/2003 |) | Attorneys Ref.: | P214426 |
| Title: | AEROSOL SPRAY TEXTURE APPARATUS FOR A PARTICULATE CONTAINING MATERIAL |) | | |

AMENDMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed July 27, 2004. It is believed that no fee is due at this time to maintain the application in full force and effect. However, if any such fee or charge is due, please charge this fee to Deposit Account No. 502099.

Please amend the application as described herein.

REMARKS

This Amendment is filed in response to the Office Action mailed on July 27, 2004, in connection with this case. In that Office Action, the Examiner rejected claims 1-18 under 35 USC § 101 based on U.S. Patent No. 6,641,005.

By this Amendment, the Applicant has amended claim 1 such that the language of this claim differs from the language of claim 1 of the '005 patent. The Applicant has also canceled claim 5 and 7 and amended claim 6 given the amendment to claim 1.

The Applicant respectfully submits that the foregoing amendments render moot the double-patenting rejection under 35 USC § 101 and requests withdrawal of this rejection.